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REMARKS

Claims 1-43 were pending prior to the amendments herein. Claims 1, 4, 6, 10, 11, 21, 29, 37, 38, 41, and 42 are amended herein. Withdrawn Claims 12-20 and 30-36 have been canceled without prejudice. The Applicant expressly reserves the right to pursue the canceled claims in one or more divisional applications. Claims 7-9, 24-26, 39, and 40 have also been canceled without prejudice. New Claims 44-52 have been added. Claims 1-6, 10, 11, 21-23, 27-29, 37, 38, and 41-52 are therefore pending.

Claim Amendments

The Applicant has amended Claim 1 to recite that the opposite side faces extend upwardly from the base, that each cavity houses an electrical terminal therein facing toward the base of the battery, that each compartment includes overhanging skirts disposed about the electrical terminals and that the skirts substantially surround the electrical terminals, that each recessed portion houses an electrical terminal facing away from the base of the housing, and that the recessed portions are configured to removably receive the compartments therein so that the electrical terminals of the battery operatively contact the electrical terminals of the housing. The Applicant submits that the amendments are fully supported by the application and that no new matter is added by these amendments. For example, see ¶¶ [0028] & [0039] and Figs. 6-8 of the published application.

The Applicant has amended Claim 4 to recite that the battery has proximal and distal ends and opposite sides therebetween, that the battery includes compartments disposed on the opposite sides of the battery and proximal the distal end and having recessed cavities that house the battery electrodes, that the housing is configured to removably receive the proximal end of the battery therein, that the housing includes recessed portions at free ends of the opposite side walls of the housing, that the recessed portions house the housing electrodes, and that the compartments of the battery are configured to fit into the recessed portions of the housing. The Applicant has also amended Claims 10 and 11 to depend from Claim 4. The Applicant has also amended Claim 6 to recite that the skirts substantially surround the housing electrodes when the battery is disposed in the housing. The Applicant submits that the amendments are fully

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supported by the application and that no new matter is added by these amendments. For example, see ¶¶ [0028] & [0043] and Figs. 6 & 7 of the published application.

The Applicant has amended Claim 21 to recite that the battery comprises compartments that house the battery electrodes and overhanging skirts extending about the compartments, that the housing comprises recessed portions that house the housing electrodes, and that the method comprises moving the battery and housing relative to each other so that the skirts extend about the recessed portions. The Applicant has also amended Claim 29 to recite that the battery electrodes are disposed proximal to a portion of the battery that is configured to be distal to the housing after the moving steps. The Applicant submits that the amendments are fully supported by the application and that no new matter is added by these amendments. For example, see ¶¶ [0032], [0035], [0043], & [0044] and Fig. 2A of the published application.

The Applicant has amended Claim 37 to recite that the electrical terminals of the battery have the same sign and that the electrical terminals of the housing have the same sign. The Applicant submits that the amendments are fully supported by the application and that no new matter is added by these amendments. For example, see ¶¶ [0036] & [0041] of the published application.

The Applicant has amended Claim 38 to recite that the battery assembly comprises overhanging skirts disposed about the battery electrodes and that the skirts substantially surround the housing electrodes when the battery is disposed in the housing. The Applicant has also amended Claim 41 to depend from Claim 38 and to recite that the battery has a base configured to be inserted into the housing a top opposite to the base and that the battery electrodes are disposed proximal the top of the battery. The Applicant has also amended Claim 42 to depend from Claim 38 and to recite that the battery electrodes face towards a base of the battery. The Applicant submits that the amendments are fully supported by the application and that no new matter is added by these amendments. For example, see ¶¶ [0028] & [0039] and Figs. 6-8 of the published application.

Response to Rejections Under 35 U.S.C. § 102

Claims 4-11, 21, 24-29, and 37-43 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. JP 58023162 to Motobe Takahiro, which is

assigned to Matsushita Electric Ind. Co. Ltd. The Applicant respectfully traverses the present rejection because Matsushita fails to teach or suggest, either expressly or inherently, all of the features of the rejected claims.

Claim 4

The Applicant submits that Matsushita does not teach or suggest all of the features of amended Claim 4. For example, Matsushita at least does not teach or suggest “the battery including compartments disposed on said opposite sides of the battery and proximal the distal end” and “the housing is configured to removably receive the proximal end of the battery therein,” as recited by amended Claim 4. By contrast, Matsushita discloses that the terminals 7, 8 are disposed in a portion of the battery 1 that is slid into the terminal receiving member 4. Thus, the terminal receiving member 4 is configured to receive the proximal end of the battery 1 therein and the terminals 7, 8 of the battery 1 are disposed on the proximal end. Therefore, Matsushita does not teach or suggest each and every element of amended Claim 4.

Moreover, the Applicant submits that it would not be obvious to one having ordinary skill in the art to modify Matsushita to provide terminals 7, 8 disposed on a distal end. For example, the Applicant points to ¶ [0043] of the published application, which notes that electrical terminals disposed proximal the distal end of the battery (i.e., the end of the battery that does not slide into the housing), especially in combination with battery electrodes disposed in recessed cavities, can aid in substantially preventing the short-circuiting of the battery assembly by a body of water. However, it is not clear that simply moving the terminals 7, 8 to a different position of the battery 1 in Matsushita would provide such a benefit. It will be appreciated that the battery assembly of Claim 4 does not need to achieve this example advantage and that the battery assembly of Claim 4 may have additional advantages, but the Applicant has pointed it out merely to illustrate some of the unexpected benefits that the recited features can provide.

Some of the amended claims in the present application are different and possibly broader in scope than any previously pending claims in this application. In particular, Claim 4 has been amended to remove means-plus-function language that existed in certain incorporated dependent claims, and thus is not subject to claim construction principles governed by 35 U.S.C. § 112, ¶ 6. Accordingly, Matsushita and other references of record may need to be re-visited. In addition, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that

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the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Therefore, the Applicant submits that amended Claim 4 is not anticipated by Matsushita and respectfully requests that the Examiner withdraw the rejection of Claim 4.

Claims 7-9

The rejections of Claims 7-9 are moot in light of the cancellation of those claims.

Claims 5, 6, 10, and 11

As described above, the Applicant submits that amended Claim 4 is not anticipated by Matsushita. Claims 5, 6, 10, and 11 each depend from Claim 4. Thus, Claims 5, 6, 10, and 11 include all of the features of amended Claim 4 and recite unique combinations of additional features not taught or suggested by the cited references. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of Claims 5, 6, 10, and 11.

Claim 21

The Applicant submits that Matsushita does not teach or suggest all of the features of amended Claim 21. For example, Matsushita at least does not teach or suggest “the battery further comprises overhanging skirts extending about the compartments,” and “the housing comprises recessed portions that house the housing electrodes,” as recited by amended Claim 21. Matsushita instead teaches that the terminals 7, 8 are disposed in concave parts 3 of the battery and that the terminals 7, 8 are disposed on arms 6 of the terminal receiving member 4.

Therefore, the Applicant submits that amended Claim 21 is not anticipated by Matsushita and respectfully requests that the Examiner withdraw the rejection of Claim 21.

Claims 24-26

The rejections of Claims 24-26 are moot in light of the cancellation of those claims.

Claims 27-29

As described above, the Applicant submits that amended Claim 21 is not anticipated by Matsushita. Claims 27-29 each depend from Claim 21. Thus, Claims 27-29 include all of the features of amended Claim 21 and recite unique combinations of additional features not taught or suggested by the cited references. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of Claims 27-29.

Claim 37

The Applicant submits that Matsushita does not teach or suggest all of the features of amended Claim 37. For example, Matsushita at least does not teach or suggest “the electrical terminals of the battery have the same sign,” and “the electrical terminals of the housing have the same sign,” as recited by amended Claim 37. In certain embodiments, such a configuration can prevent a short circuit. *See, e.g.*, ¶¶ [0036] & [0041] of the published application. By contrast, Matsushita teaches that pairs of positive and negative terminals 7 and 8 are provided on the battery 1 and that complementary positive and negative terminals 8 and 7 are provided on the terminal receiving member 4.

Therefore, the Applicant submits that amended Claim 37 is not anticipated by Matsushita and respectfully requests that the Examiner withdraw the rejection of Claim 37.

Claim 38

The Applicant submits that Matsushita does not teach or suggest all of the features of amended Claim 38. For example, Matsushita at least does not teach or suggest “overhanging skirts disposed about the battery electrodes, wherein the skirts substantially surround the housing electrodes when the battery is disposed in the housing,” as recited by amended Claim 38. Matsushita discloses that the terminals 7, 8 of the battery 1 are disposed in concave parts 3. However, the terminals 7, 8 of the battery 1 are not substantially surrounded by anything that may be interpreted as an overhanging skirt on the end of the battery 1 over which the arms 6 of the terminal receiving member 4 are slid.

Some of the amended claims in the present application are different and possibly broader in scope than any previously pending claims in this application. In particular, Claim 38 has been amended to remove means-plus-function language, and thus is not subject to claim construction principles governed by 35 U.S.C. § 112, ¶ 6. Accordingly, Matsushita and other references of record may need to be re-visited. In addition, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Therefore, the Applicant submits that amended Claim 38 is not anticipated by Matsushita and respectfully requests that the Examiner withdraw the rejection of Claim 38.

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Claims 39 and 40

The rejections of Claims 39 and 40 are moot in light of the cancellation of those claims.

Claims 41-43

As described above, the Applicant submits that amended Claim 38 is not anticipated by Matsushita. Claims 41-43 each depend from Claim 38. Thus, Claims 41-43 include all of the features of amended Claim 38 and recite unique combinations of additional features not taught or suggested by the cited references. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of Claims 41-43.

Response to Rejections Under 35 U.S.C. § 103

Claims 1-3, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita. The Applicant respectfully traverses the present rejection because Matsushita, either alone or in combination with other references of record, fails to teach or suggest all of the features of the rejected claims.

Claim 1

The Office Action acknowledges that Matsushita at least does not teach or suggest “each compartment defining a downward-facing cavity, each cavity housing an electrical terminal therein facing toward the base of the battery,” as recited by amended Claim 1, because the terminals 7, 8 of the battery 1 do not face towards the base of the battery 1. However, the Office Action states that the orientation of the terminals 7, 8 is a design choice. The Applicant respectfully submits that the orientation of the terminals can provide unexpected advantages. For example, downward facing cavities can prevent the short-circuiting of the battery assembly by a body of water. *See, e.g.*, ¶ [0043] of the published application. This is especially true when in combination with the feature “each compartment including overhanging skirts disposed about the electrical terminals, the skirts substantially surrounding the electrical terminals,” as recited by amended Claim 1. As described above, Matsushita also does not teach or suggest that the terminals 7, 8 of the battery 1 are substantially surrounded by anything that may be interpreted as an overhanging skirt. Indeed, such a configuration would render the battery 1 of Matsushita inoperable because the arms 6 of the terminal receiving member 4 would not be able to slide over the end of the battery 1.

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Therefore, the Applicant submits that amended Claim 1 is patentable over Matsushita, alone or in combination with other references of record, and respectfully requests that the Examiner withdraw the rejection of Claim 1.

Claims 2 and 3

As described above, amended Claim 1 is patentable over Matsushita. Claims 2 and 3 depend from Claim 1. Thus, Claims 2 and 3 include all of the features of amended Claim 1 and recite unique combinations of additional features not taught or suggested by the cited references. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of Claims 2 and 3.

Claims 22 and 23

As described above, amended Claim 21 is patentable over Matsushita. Claims 22 and 23 depend from Claim 21. Thus, Claims 22 and 23 include all of the features of amended Claim 21 and recite unique combinations of additional features not taught or suggested by the cited references. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of Claims 22 and 23.

New Claims

Claims 44-52 have been added and are fully supported by the application as originally filed. The Applicant respectfully submits that Claims 44-47, which depend from, and include all the features of, amended Claim 1, which is allowable as discussed above, are also allowable. The Applicant respectfully submits that Claims 48 and 49, which depend from, and include all the features of, amended Claim 21, which is allowable as discussed above, are also allowable. The Applicant respectfully submits that Claims 50-52, which depend from, and include all the features of, amended Claim 38, which is allowable as discussed above, are also allowable. Furthermore, each of the new dependent claims recites further distinguishing features of particular utility.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this

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application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Summary

The Applicant respectfully submits that all of the pending claims are allowable and respectfully requests that the Examiner withdraw the rejections and pass Claims 1-6, 10, 11, 21-23, 27-29, 37, 38, and 41-52 to allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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